

# Order

Entered: September 11, 2002

2002-21

Adoption of Rule 2.119  
of the Local Court Rules of  
the 36<sup>th</sup> District Court

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## Michigan Supreme Court Lansing, Michigan

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

On order of the Court, notice of the proposed changes and an opportunity for comment having been provided, the following Rule 2.119 of the Local Court Rules of the 36<sup>th</sup> District Court is adopted, effective January 1, 2003.

[The following is a new local court rule for the 36<sup>th</sup> District Court.]

### Rule 2.119 Motion Practice for Motions in General Civil Cases

- (A) Application. The provisions of this rule apply to motions filed in general civil cases in the 36<sup>th</sup> District Court. This rule does not apply to motions filed in small claims, real estate, traffic, or criminal cases. The judge's copy of motions and responses shall be filed with the clerk at the same time as the originals.
- (B) Motion Praecipe Forms. A motion praecipe form provided by the clerk of the court must be attached to the judge's copy of all motions.
- (C) No Oral Argument; Decision/Review Date; Notice. There is no oral argument on motions unless a request is made and is granted by the assigned judge. The moving party shall choose a decision/review date that shall be a Tuesday and shall constitute "the time set for hearing" under MCR 2.119(C) and MCR 2.116(B)(2) for purposes of providing adequate notice to the opposing party. The moving party must provide notice of the decision/review date to the opposing party or that party's attorney. The notice must advise that there will be no oral argument unless the assigned judge grants a request.
- (D) Certification of Attempt to Obtain Concurrence. The attorney for the moving party or the moving party must certify on the praecipe form that the opposing party or that party's attorney has been contacted and asked to concur in the relief sought, and that concurrence has been denied or otherwise not obtained.

- (E) Responses; Notation of Decision/Review Date. A response to a motion must be filed no later than 3 days before the decision/review date. That date must appear on the upper right corner of the first page of any pleading, brief, or other document relating to a pending motion.

Staff Comment: Local Rule 2.119 of the 36<sup>th</sup> District Court was adopted September 11, 2002, at the request of that court, to be effective January 1, 2003.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.